



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,682	08/10/2001	Byung Han Kim	9597-P67034US0	4316

136 7590 06/05/2003

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

EXAMINER

CHEN, PO WEI

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,682

Applicant(s)

KIM, BYUNG HAN

Examiner

Po-Wei (Dennis) Chen

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

Art Unit: 2697

### DETAILED ACTION

Claims 1-7 are pending in this application. Claims 1 and 5 are independent claims. This action is non-final

The present title of the invention is "Picture Adjustment Method and Apparatus for Video Display Appliance".

The Group Art Unit of the Examiner case is now 2697. Please use the proper Art Unit number to help us serve you better.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,348,952) and further in view of Kabeya et al. (US 5,331,337; refer to as Kabeya herein) and McCain et al. (US 6,129,449; refer to as McCain herein).
3. Regarding claim 1, Jeong discloses a method for on-screen display menu comprising:  
A picture adjustment, method for a video display appliance for providing diverse picture adjustment functions through a plurality of picture adjustment OSDs (see lines 1-4 of abstract);  
(a) selecting picture adjustment OSDs (see lines 49-52 of column 3 and Fig. 7A-D);  
(b) if entry into a picture adjustment process is commanded, displaying the accessible picture adjustment OSDs ("When the ODS menu is displayed on the screen, the user selects the set/completion button 27 for a desired function control target among the plurality of function

Art Unit: 2697

control targets while viewing the ODS menu as displayed”, see lines 20-26 of column 6 and Fig. 7A-D);

(c) if a command for picture adjustment is inputted through any one of the displayed picture adjustment OSDs (see lines 20-26 of column 6);

(d) performing the picture adjustment in accordance with the inputted command for picture adjustment (“Thereafter, when the user presses the horizontal adjust buttons 23 and 24, the horizontal size of the screen is adjusted”, see lines 4-16 of column 7);

It is noted that Jeong does not disclose determining accessible OSD menu and checking OSD menu is accessible. However, this is known in the art taught by Kabeya. Kabeya teaches a menu screen for data processing that determine and checking available or accessible menu items (see lines 32-46 of column 4). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Kabeya to provide the function of allowing user to know which menu items are available by simply taking a look at the screen and thus provides a high levels of efficiency (see lines 48-52 of column 2, Kabeya).

It is noted that the combination of Jeong and Kabeya does not disclose ignoring the inputted command. However, this is known in the art taught by McCain (US 6,129,449). McCain discloses a menu screen for a communication device that “receipt of an improper input will be ignored as a means of error checking” (see lines 1-4 of column 7). It would have been obvious to one of ordinary skill in the art to utilize the teaching of McCain to provide the function of prevent any input error. Further, McCain, like Jeong, is directed to the display of information and the process of a user selecting data from a menu.

4. Regarding claim 3, Jeong discloses a method for on-screen display menu comprising:

Art Unit: 2697

Displaying any one of the plurality of picture adjustment OSDs if a command for entry into a picture adjustment process is inputted by the user; and displaying the corresponding picture adjustment OSD if the user requests display of another picture adjustment OSD while displaying the picture adjustment OSD (see lines 1-16 of column 7 and Fig. 7A-D).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,348,952) and further in view of Kabeya et al. (US 5,331,337; refer to as Kabeya herein).

6. Regarding claim 5, Jeong discloses a method for on-screen display menu comprising:

A picture adjustment apparatus for a video display appliance for providing diverse picture adjustment functions through a plurality of picture adjustment OSDs (see lines 1-4 of abstract);

A key manipulation section for receiving information an accessible picture adjustment OSDs from a user (8-15 of abstract);

A memory for storing information on the accessible picture adjustment OSDs (see lines 5-13 and 21-23 of column 4 and element 15 of Fig. 4);

A display section for displaying various kinds of information (see Fig. 5-7);

An OSD output processing section for displaying an OSD according to OSD data on the display section (see lines 13-20 of column 4 and element 18 of Fig. 4);

A control section for providing the OSD output processing section with the OSD data for displaying the picture adjustment OSDs after receiving and storing the information on the accessible picture adjustment OSDs (see lines 24-42 of column 4 and Fig. 4-6),

Processing as an effective command for picture adjustment inputted through the picture adjustment OSD (see lines 13-16 of column 7);

Art Unit: 2697

It is noted that Jeong does not disclose the picture adjustment OSD that has been determined to be accessible. However, this is known in the art taught by Kabeya, as statements presented above, with respect to claim 1 are incorporated herein.

7. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,348,952), Kabeya et al. (US 5,331,337; refer to as Kabeya herein) and McCain et al. (US 6,129,449; refer to as McCain herein) as applied to claims 1 above, and further in view of Watanabe et al. (US 5,717,848; refer to as Watanabe herein).

8. Regarding claims 2 and 4, Jeong discloses a method for on-screen display menu comprising:

Searching whether or not a command for entry into the picture adjustment process is inputted (see lines 4-16 of column 7). It is noted that while claim recites searching, it would have been clear that the system is in a state of waiting the user to input a selection. Therefore, the system is constantly searching for an input by the user. Thus, limitation of claim is met.

It is noted that Jeong does not disclose the determination of the accessible picture adjustment OSDs. However this is known in the art taught by Kabeya, as statements presented, above, with respect to claim 1 are incorporated herein.

It is noted that the combination of Jeong, Kabeya and McCain does not disclose displaying in colors corresponding to the pre-determined accessibility. However, this is known in the art taught by Watanabe. Watanabe disclose an operational screen for generating objection motion path that "Each menu is displayed at a normal lightness when the menu can be selected, an with a dark color when it cannot be selected (see lines 34-35 of column 25). It would have

Art Unit: 2697

been obvious to one of ordinary skill in the art to utilize the teaching of Watanabe to provide the user the ease of selecting functions from the menu with visual aid.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (US 6,348,952) and Kabeya et al. (US 5,331,337; refer to as Kabeya herein) as applied to claim 5 above, and further in view of Watanabe et al. (US 5,717,848; refer to as Watanabe herein).

10. Regarding claim 6, it is noted that the combination of Jeong and Kabeya does not disclose displaying in colors corresponding to the pre-determined accessibility. However, this is known in the art taught by Watanabe. Watanabe disclose an operational screen for generating objection motion path that “Each menu is displayed at a normal lightness when the menu can be selected, an with a dark color when it cannot be selected (see lines 34-35 of column 25).

#### ***Claim Objections***

11. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Torres (US 5,384,910) discloses “Method and Apparatus for Facilitating Operator Reconfiguration of a Graphical User Interface in a Data Processing System”.

Wu (US 6,493,005) discloses “On Screen Display”.

Art Unit: 2697

*Inquiry*

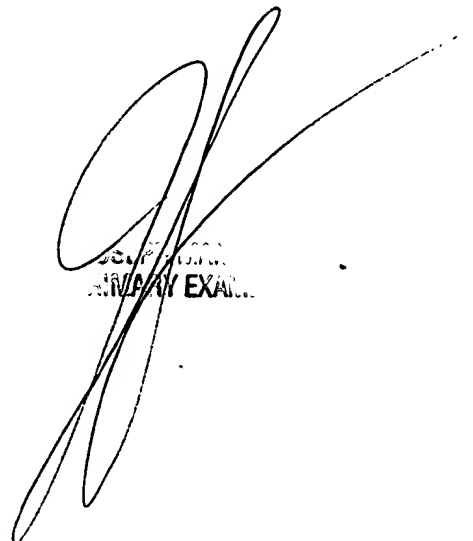
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703) 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen  
Examiner  
Art Unit 2697

Po-Wei (Dennis) Chen  
May 30, 2003



RECEIVED  
MAY 31 2003  
EXAM